

Appln. No. 09/863,169
Amendment

REMARKS

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested. Claims 21, 23, 25 and 27 are currently being amended, and no claims are currently being canceled or added. Thus, claims 21-28 are pending in the application.

Written Statement regarding Substance of August 24 and 25, 2005,
Interview per 37 CFR 1.133(b)

Applicants appreciate very much the opportunity to discuss the rejections in this application with Examiner Andrew C. Flanders in the telephone interview that occurred on August 24 and 25, 2005. In accordance with the requirements of 37 CFR 1.133(b), and the Manual of Patent Examining Procedure (MPEP) §713.04, Applicants provide the following written statement of the reasons presented at the interview as warranting favorable action.

Those participating in the telephone interview were Examiner Flanders and the undersigned attorney of record. No exhibits were shown or discussed. The claims that were discussed were independent claims 21, 23, 25 and 27. The prior art that was discussed was U.S. Patent No. 6,227,968 to Suzuki et al. ("Suzuki").

The proposed amendments that were discussed were to amend claim 21 to recite "wherein the means for analyzing and the means for generating are included in a single apparatus", and claims 23, 25 and 27 to recite "wherein the steps of analyzing and generating are performed in a single apparatus". Applicants also mentioned the possibility of modifying these proposed amendments to recite "single entertainment apparatus".

Applicants also proposed amending claim 23 to recite "wherein the steps of analyzing and generating are performed

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within a single image processing and audio processing function in a single apparatus". Applicants asserted that such amendment is supported, for example, by Applicants' FIG. 36.

The general thrust of the Applicant's principal argument that was discussed in the interview was that the Examiner's assertion that in Suzuki analysis of an audio signal is made in advance implies that an audio signal is analyzed in an apparatus and an image is generated based on a result of an analysis of the audio signal in another apparatus (dance game apparatus in FIG. 2 of Suzuki). Applicants' proposed amendments specify that analysis of an audio signal and generation of an image are performed in a single apparatus.

The Examiner indicated that he did not think the proposed versions of the "single apparatus" limitations would overcome the rejections. He indicated that he could foresee a scenario where several different devices, such as a personal computer together with a game console, might be considered a "single apparatus". Such a scenario could be similar to Suzuki et al.'s system, according to the Examiner.

The Examiner indicated that he would be more amenable to an amendment that made it clear that the "analyzing an audio signal" and "generating an image" steps are close in time or immediately followed each other in order to distinguish Suzuki et al.'s alleged preparation of the stepping position indication data "in advance." The undersigned asked the Examiner if some sort of amendment capturing the "in parallel" or similar concept mentioned in Applicants' specification on page 36, lines 6-9, might overcome the rejection. The Examiner said that he could not say for sure until he sees the exact proposed amendment but that it sounded like a good idea to him since that might distinguish Suzuki et al.'s alleged teaching of preparation of the stepping position indication data "in advance." A specific amendment along these lines was not proposed.

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The interview ended with no specific agreements being reached.

Claim Rejections under 35 U.S.C. § 102

The Examiner rejected claims 21-28 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,227,968 to Suzuki et al. ("Suzuki"). Applicants respectfully traverse these rejections.

Applicants argued in their response filed on July 29, 2005, that Suzuki does not disclose generating an image based on a result of an analysis of said audio signal. In response to this argument the Examiner asserted in the Advisory Action mailed on August 8, 2005, that Suzuki discloses preparation of the stepping position indication data "in advance", which according to the Examiner does not change his assertion that they are prepared based on an analysis of an audio signal.

Applicants have amended independent claim 21 to recite "wherein the analyzing the audio signal and the generating the image are performed in parallel with a display process". Applicants assert that this amendment is supported by Applicants' specification at, for example, page 36, lines 6-9, page 39, line 25 to page 40, line 1, page 48, lines 13-18, as well as FIGS. 11, 17 and 20. Independent claims 23, 25 and 27 have been amended in a similar manner.

Applicants assert that amending the claims to recite that the steps of analyzing and generating are performed "in parallel with a display process" clearly distinguishes Suzuki's alleged preparation of the stepping position indication data "in advance." As such, the rejections of Applicants' amended independent claims 21, 23, 25 and 27 should be withdrawn. Furthermore, the rejections of dependent claims 22, 24, 26 and 28 should also be withdrawn for at least these same reasons.

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If the Examiner has any questions or would like to discuss this amendment he is respectfully requested to telephone the undersigned.

Fees Believed to be Due

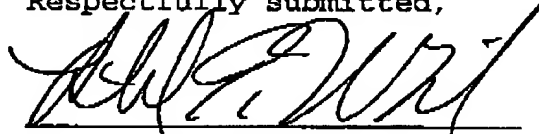
No extra claims fees are believed to be due. Fees are included herewith for (1) an RCE, and (2) a petition for a one-month extension of time to respond.

CONCLUSION

Applicant submits that the above amendments and remarks place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Date: 9/2/05

Respectfully submitted,



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